IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

WP(C).No. 33657 of 2007(F)

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PETITIONER:

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TOMY, S/O. MANI,
MUTTAPPALLIL HOUSE, KOZHA KARA,
KURUVILANGADU VILLAGE.

BY ADV. SRI.T.R.RAVI

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
KOTTAYAM.

2. THE REVENUE DIVISIONAL OFFICER,
PALA.

3. THE VILLAGE OFFICER,
KURUVILANGADU VILLAGE.

4. KURUVILANGADU GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY.

5. SRI. JOSEPH THOMAS,
PANAKUZHACKAL HOUSE, KURUVILANGADU.

6. SRI. RAHUL GEORGE MATTOM, S/O. GEORGE
JOHN, MATTATHIKULATHINANIYIL, KURIYANADU KARA,
MONIPPALLY VILLAGE.

R1 TO R3 BY GOVT. PLEADER MR. I.V. PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**ANTONY DOMINIC, J.**

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**W.P.(C) No. 33657 OF 2007 F**
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**Dated this the 15th November, 2007**

**J U D G M E N T**

The prayer in this writ petition is for directing the 1st respondent to take action under the provisions of the Kerala Land Utilisation Order against the 6th respondent for violation of the provisions of the aforesaid order. Petitioner submits that pointing out the violation Exts. P3 to P5 representations were made on which action has not been taken.

2. In my view this writ petition is misconceived. Ext. P1 order under the Kerala Land Utilisation Order was issued in 1996 in favour of the 5th respondent who has transferred the land to the 6th respondent. Against Ext. P1 order as confirmed in revision petitioner had filed a writ petition as W.P.(C) No. 24184 of 2007. That writ petition was dismissed by Ext. P2 judgment. In that case the petitioner herein

was the 2nd petitioner and respondents 5 and 6 were respondents 3 and 4 respectively.

3. Thereafter petitioner submitted Exts. P3 to P5 representations making allegation against the 6th respondent that he has violated the provisions of the Kerala Land Utilisation Order. The main contention is that the benefit of the order will not enure to the 6th respondent and that it is available only to the 5th respondent who has transferred the land.

4. In view of the dismissal of the earlier writ petition by Ext. P2 judgment, it is not open to the petitioner to raise this plea at this stage. This contention, if at all available, ought to have been urged at the time when the earlier writ petition was considered.

5. It is evidently in order to get over this difficulty that he has now made the representations and is now complaining of inaction on the representations. The attempt is to nullify Ext. P1 order by initiating action through these representations. What is directly not possible cannot be allowed to be achieved indirectly.

Therefore, the writ petition is devoid of merits and is dismissed.

**ANTONY DOMINIC**
**JUDGE**

jan/-